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HUMAN RIGHTS COMMITTEE

Sixty-fourth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1728th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 6 November 1998 at 10 a.m.

Chairperson: Ms. CHANET

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* The summary record of the first part (closed) of the meeting appears as document CCPR/C/SR.1728.

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The public part of the meeting was called to order at 11.10 a.m.

STATEMENT BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS

1. Ms. ROBINSON (High Commissioner for Human Rights) said first of all that she welcomed Mr. Wieruszewki's election to the Committee. She also noted that the current session was the last in which Mr. Prado Vallejo and Mr. El Shafei would take part, having been members of the Committee since 1977 and 1987 respectively. Their contribution to the protection and promotion of human rights had been extremely valuable, and she thanked them warmly.

2. The Human Rights Committee was the centrepiece of United Nations activities for protecting and promoting human rights, and she reiterated her earnest desire to provide it with the support services which it required. Thus, within the framework of her presentation of the five-year review of the implementation of the Vienna Declaration and Programme of Action, her report to the Third Committee of the General Assembly, or in conversations with the Secretary-General and other senior officials of the United Nations, she had emphasized the need to allocate greater resources to the human rights treaty bodies and protection mechanisms, especially in the coming biennium. She assured the Committee that she would continue to follow its work attentively, with special emphasis on the implementation of the Committee's recommendations to States parties.

3. The CHAIRPERSON thanked the High Commissioner for her interest in the Committee's work. For some time the Committee had been requesting additional resources to carry out its mandate; it noted with satisfaction that the situation had improved considerably in 1998. Not all the problems were resolved, however, in particular the consideration of communications and subsequent follow-up. The Committee's follow-up activities had been at a standstill for a year, and the resources should be found to remedy the situation. Nevertheless, the Committee was keen to thank the High Commissioner for everything that had already been accomplished.

4. Ms. EVATT noted that there had been a discernible improvement in the quality of the support services at the current session. However, the Committee's sessions were only the tip of the iceberg, and in order to make the best use of the limited time available to it, there should be an increase in the number of secretariat staff dealing with the consideration of State party reports and communications. She hoped that the efforts made thus far would be continued.

5. Mr. LALLAH said that he had been present during the High Commissioner's statement to the Third Committee of the General Assembly, and had noted that her remarks on the need to boost the resources available to treaty bodies, especially the Human Rights Committee, had been listened to with great attention. He thanked the High Commissioner for the energetic efforts she had made to publicize the situation.

6. Mr. PRADO VALLEJO thanked the High Commissioner for the kind words she had addressed to him. He had decided to step down from the Committee after 22 years, believing that it was time to make way for younger members who would inject fresh energy into the Committee's work.

7. Although the Committee had been established during the Cold War, it had been able to overcome that handicap and had achieved consensus among its members. Over the years, the Committee had acquired considerable prestige, and the fact that every State in the world now included a human rights protection dimension in its international policy was a tribute to the efforts made by the Human Rights Committee, among others.

8. As he took his leave of the Committee, he wished to make a suggestion. Speaking as an expert on the inter-American system for the protection of human rights, he had noted on occasion that the Inter-American Commission on Human Rights and the Human Rights Committee were sometimes considering the same cases, thereby duplicating their activities. It would be a good idea to establish better coordination between the two bodies, for example by making provision for a meeting between representatives of their respective secretariats. That would make it possible to lay the foundations of cooperation to eliminate wasted energy and strengthen the efficiency of both bodies.

9. He was leaving the Committee with great sadness in view of the numerous friendships which he had formed, but on the other hand he was glad to see that the Committee was now a very prestigious body, and the presence of Ms. Chanet in the Chair only strengthened that prestige. He would remain in touch with the Committee through the intermediary of the Inter-American Commission on Human Rights, thereby making his contribution to the struggle for the promotion and protection of human rights.

10. Mr. EL SHAFEI thanked the High Commissioner for her kind words and said that her presence at the final meeting of the session was a great honour for the entire Committee. She could count on the unfailing commitment of remaining and departing members alike to the cause of human rights.

11. Ms. ROBINSON (High Commissioner for Human Rights) said that it was indeed important to maintain contact with former members of human rights bodies and to continue to put their expertise to good use. She was currently looking into the possibility of fleshing out that idea, possibly within the framework of an informal group. In any event, cooperation with the Inter-American Commission on Human Rights was a topic in which she had a keen interest, and she would endeavour to ensure that progress was made in that field. She had taken note of the Committee's suggestions and hoped to pursue efforts aimed at improving the situation with regard to the points raised.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Submission and examination of State party reports

12. The CHAIRPERSON invited the Committee to resume its consideration of a draft calendar for the submission and examination of State party reports. In particular, the Committee should decide whether it wished to ask Yugoslavia to submit a special report on the application of certain articles of the Covenant.

13. Mr. POCAR said that the Yugoslav Government did not as a rule attend meetings of State parties. However, certain recent developments had pointed to an apparent change of heart. Specifically, a Yugoslav delegation was shortly due to attend meetings of the Committee against Torture to discuss a report submitted by the Yugoslav Government. That development might perhaps spur the Human Rights Committee to ask Yugoslavia to submit its fourth periodic report covering the period from the present to 1 March 1999, and in any event to submit within the same time-frame a report on the application of certain articles of the Covenant.

14. Mr. ANDO, Mr. BUERGENTHAL and Mr. YALDEN fully endorsed Mr. Pocar's proposal.

15. Mr. Pocar's proposal was adopted.

16. Mr. KRETZMER said that the Committee still had to decide on two proposals, the first put forward by Mr. Scheinin and the second by himself. Mr. Scheinin had said that the Committee should specify a date by which States parties should submit their reports, whereas he favoured setting a date corresponding to the examination of their report by the Committee.

17. The CHAIRPERSON said that, if the Committee were to accept Mr. Kretzmer's proposal, and if all the States parties concerned were to observe the deadline, the Committee might find itself in the impossible position of having to examine all the reports on the specified date, which would be embarrassing.

18. Mr. LALLAH said that he shared the Chairperson's misgivings.

19. Ms. EVATT proposed a compromise formula, namely that a date should be specified on which States parties should submit their report, while at the same time indicating a provisional date for its examination.

20. Mr. SCHEININ said that he endorsed the solution put forward by Ms. Evatt; it would be a good idea to provide for a six-month time lag between the date specified for the submission of a report and the date of its examination.

21. Ms. Evatt's proposal, as amended by Mr. Scheinin, was adopted.

22. The CHAIRPERSON said that the Committee needed to decide what action to take in respect of Trinidad and Tobago, whose third periodic report was seven years overdue. Moreover, Trinidad and Tobago had denounced the Optional Protocol, only to accede to it again with a reservation.

23. Mr. SCHEININ said that he favoured including Trinidad and Tobago in the list of States parties which the Committee would ask to submit a report prior to 1 March 1999.

24. It was so decided.

Draft new guidelines on the examination of State party reports

25. Lord COLVILLE said that he had prepared draft new guidelines on the content and examination of State party reports (document without a symbol, in English only), which the Committee should consider at its sixty-fifth session in New York. He requested members of the Committee to forward their comments on the draft to him before the start of the next session so that he could consolidate them into a text which the Committee could take up at that time.

26. The CHAIRPERSON requested Mr. Pocar to make a few remarks about the letter which the Committee intended to send to the Commission on Human Rights regarding minimum humanitarian standards (Commission on Human Rights resolution 1995/29).

27. Mr. POCAR said that, in adopting its resolution on minimum humanitarian standards, the Commission on Human Rights had sought to ascertain the views of the treaty bodies on the issue. In order to follow up on the Commission's request, he proposed that the Chairperson should send a letter to the Chairman of the Commission on Human Rights saying that the Committee was looking into the question, and that a member of the Committee had assumed responsibility for preparing a draft text which would then be examined and adopted at its session in March 1999. The adopted text would constitute the Committee's reply. Mr. Scheinin would seem to be a sensible choice given that he had already prepared preliminary drafts on the matter.

28. Mr. SCHEININ agreed to take on the work, recalling that the Committee had already given a preliminary answer to the Commission in which it had stated that it would formulate a new general comment on rights admitting of no derogation. The text constituting the Committee's reply to the Commission might be a working paper prepared in the course of drafting a new general comment on rights admitting of no derogation.

29. Both proposals were adopted.

30. The CHAIRPERSON invited the Committee to state its opinion on the case of Mr. Dimitrijevic, a former member of the Committee, which had already been discussed in a closed meeting.

31. Ms. EVATT said that the Committee had received detailed information about the circumstances in which Mr. Dimitrijevic had been dismissed from his post at the University of Belgrade. She was very concerned about the harassment of that former member of the Committee, who was distinguished for his commitment to the cause of human rights and freedoms. For having exercised his right to freedom of expression, he had been forced to leave his homeland. She wished to express her solidarity with her former colleague and was certain that other members of the Committee shared her opinion.

32. Mr. BUERGENTHAL, Mr. POCAR, Mr. PRADO VALLEJO, and Mr. EL SHAFEI associated themselves with the concerns expressed by Ms. Evatt, expressed their solidarity with their former colleague and hoped that he would be able to return to his homeland and be reinstated in his post at the University.

The Committee should make a public request to the effect that Mr. Dimitrijevic should be provided with the rights and guarantees that he needed to enable him to carry out his work.

33. The CHAIRPERSON said that, as the Committee's spokesperson, she would mention the concerns expressed by a number of members at the press conference immediately after the closure of the session. She knew that members were anxious to show their solidarity with a former colleague.

CLOSURE OF THE SESSION

34. The CHAIRPERSON, speaking in her own capacity and on behalf of the Committee, said that, before closing the session, she wished to pay tribute and bid farewell to the two members whose terms were expiring, namely Mr. Prado Vallejo, who had been a member since the establishment of the Committee 22 years previously, and Mr. El Shafei, who had served for 11 years. She wished both of them well in their new roles.

35. After an exchange of courtesies, the Chairperson declared the sixty-fourth session of the Human Rights Committee closed.

The meeting rose at 1 p.m.